

RECEIVED

MAR 19 2009

M0270006  
cc: Tom

0002

DIV. OF OIL, GAS & MINING



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

FILLMORE FIELD OFFICE

35 East 500 North  
Fillmore, Utah 84631



In Reply Refer to:  
3809 (UTW02000)  
UTU-87285  
UTU-79864

March 16, 2009

CERTIFIED MAIL # 7007 1490 0004 7118 2258  
RETURN RECEIPT REQUESTED

## DECISION

Robert Robison	:	
Graymont Western US Inc	:	43 CFR 3809 - Surface Management
3950 South 700 East, Suite 301	:	Notice
Salt Lake City, Utah 84107	:	

### Notice Expired, Replacement Notice Accepted

Your Notice, serial number UTU 79864 which was accepted on June 2, 2006 for drilling 30 exploration drill holes, expired on June 2, 2008. On January 22, 2009 the Fillmore Field Office (FFO) of the Bureau of Land Management (BLM) received a submission that will serve as a replacement/amendment. This Notice has been assigned BLM case file number UTU 87285. Please refer to this number any future communication concerning the Notice.

As of March 10, 2009, with the information of your original notice supplemented with the amendment, Notice UTU 87285 is considered complete and contains all information required by BLM surface management regulations at 43 CFR 3809.301.

Twenty four exploration holes were drilled and plugged under the original notice. Notice UTU 87285 will cover any additional reclamation required on these drill holes as well as the additional twenty six holes proposed in the January 22, 2009 submittal. The proposed operations were reviewed by various resource specialists who have determined that the operation, as proposed, will not cause unnecessary or undue degradation as defined under 43 CFR 3809.5.

Amount of Financial Guarantee – The FFO has reviewed your reclamation cost estimate and has determined that the amount of \$28,100.00 is sufficient to meet all anticipated reclamation requirements. The amount of the reclamation cost estimate was based on the operator complying with all applicable operating and reclamation requirements.

BLM's review of your proposed operations; determination that your Notice filing is complete; determination that your operations as proposed will not cause unnecessary or undue degradation; and decision concerning the amount of the required financial guarantee, does not relieve you, the operator, of your responsibility to be in compliance with all applicable Federal, State and local laws and regulations,

0002

and to obtain all applicable Federal, State and local authorizations and permits. You are responsible for preventing any unnecessary or undue degradation of public lands and resources, and for reclaiming all lands disturbed by your operations.

Required Financial Guarantee - A financial guarantee in the amount of \$28,100.00 is currently being held by the Utah Division of Oil, Gas, and Mining (UDOGM) for UTU 79864, which corresponds to UDOGM's project E/027/071. A copy of this letter will be notification to the Utah State Office, BLM, PO Box 45155, Salt Lake City, Utah 84145-0155 or 440 West 200 South, Salt Lake City, Utah 84101-1345 to remove the obligation from UTU 79864 and apply the bond to UTU 87285. You must receive written notification from that office accepting and obligating your financial guarantee to the new case file UTU 87285 before you may begin any further surface disturbing operations.

Please contact Opie Abeyta, Land Law Examiner of the BLM Utah State Office, at 801-539-4123 for further information on the adjudication of financial guarantee.

This decision does not constitute the certification of ownership to any entity named in the Notice, the recognition of the validity of any associated mining claims, or the recognition of the economic feasibility of the proposed operations.

Term of Notice - Your Notice will remain in effect for 2 years from the date of this decision, unless you notify the FFO beforehand that operations have ceased and reclamation is complete. If you wish to conduct operations for another 2 years after the expiration date of your Notice, you must notify the FFO in writing on or before the expiration date as required by 43 CFR 3809.333.

Appeal of the Decision Determining the Required Financial Guarantee Amount - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may request that the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the FFO at, 35 East 500 North, Fillmore, Utah 84631 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed

with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellants success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If you have any questions, please contact Jerry Mansfield, FFO Geologist, at 435-743-3125.

Sincerely,

  
Brent Range  
Acting Field Manager

cc:

Andrew Rupke  
Graymont Western US Inc.  
3950 S. 700 E. Ste 301  
Salt Lake City, UT 84107

Tom Munson  
UDOGM  
1594 W North Temple Ste 1210  
SLC, UT 84114

Opie Abeyta (UT-923)  
Utah State Office/ BLM  
PO Box 45155  
Salt Lake City, UT 84145-0155